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I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 12, 2005.

Luz C. Braunsteiner

(Name of person mailing paper)

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(Signature)

PATENT

Docket No.: 57657/04-265

Response to Non-Compliant

Amendment

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/826,929

Applicant: Lai

Filed: 04/16/2004

Confirmation No.: 1334

Title: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus

Art Unit: 1648

Examiner: McGaw, Michael M.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.122)

This communication is responsive to the Notice of Non-Compliant Amendment mailed 09/20/2005. In response, Applicant resubmits herewith a revised version of the "Amendment and Response to Office Action" of Applicant's previously filed amendment dated 09/08/2005 wherein the revision is designed to remedy certain omissions in that paper which caused the Patent Office to reject it as "Non-compliant." Specifically, a revised signature block is presented in this Response including the undersigned's USPTO Reg. No. The Commissioner is authorized to charge the deposit account of the undersigned, Deposit Account No. 06-0540, for any fees that may be due because of the filing of this response.

AMENDMENT AND RESPONSE TO OFFICE ACTION

This paper is submitted in response to the non-final Official Action mailed 03/08/2005. An extension of time for three (3) months is required. Please consider this paper to constitute a Petition for Extension of Time for three (3) months and charge the fee for the Extension of Time in the amount of \$1,020.00 according to the attached Credit Card Payment Form (PTO-2038). A duplicate copy of the Amendment Transmittal Letter is submitted to accompany the Payment Form. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

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There are no Amendments to the Specification or Drawings.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.